

California Regional Water Quality Control Board
Santa Ana Region

September 30, 2005

STAFF REPORT

ITEM: 5

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Earl and Amy Sutton, 3173 Riverside Terrace, Tentative Parcel Map 16563, Chino, San Bernardino County, APN 1023-071-27

DISCUSSION:

On August 24, 2005, John Siller of J.J. Services System, agent for Earl and Amy Sutton, contacted staff requesting an approval for a subdivision on a lot located at 3173 Riverside Terrace, Chino. The Suttons own an existing home located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. The gross size of the lot is slightly less than two acres (84,506 sq. ft or 1.94-acre). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Mr. and Mrs. Sutton propose to split the lot into 4 separate lots. The existing home would remain.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. Mr. and Mrs. Sutton's proposed subdivision/development is a new development as defined in Resolution No. 89-157 and is therefore subject to the minimum lot size requirements specified therein. With a density of 0.485 acres per dwelling unit/lot, the Sutton's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied the Sutton's request for an exemption from the minimum lot size requirements.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that it was necessary to distinguish between "existing" developments using subsurface disposal systems (i.e., those already in place or approved at the time the MLSRs were adopted), and "new" developments. The Board specifically exempted from the one-half acre requirement existing developments where septic tank-subsurface disposal systems had been installed by September 7, 1989 or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been obtained by that date. The one-half acre requirement applies only to "new" developments.

The proposed subdivision of Mr. and Mrs. Sutton's property would not comply with the minimum lot size requirement. As such, the project as a whole (the existing house and the proposed subdivision into 4 separate new lots) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies. Mr. and Mrs. Sutton's subdivision proposal is slightly less than the required one-half acre minimum lot size (653.5 square foot per lot short or 2,614 sq. ft short for the whole project) and, therefore, staff was required to deny the request for a clearance for the project.

However, staff believes that since the subdivided new lot sizes (0.485 acre per lot) would be very close to the required one-half acre minimum lot size requirement, this factor would support granting an exemption for this proposed project.

RECOMMENDATION:

Approve Mr. and Mrs. Sutton's request for an exemption from the minimum lot size requirements.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
San Bernardino County Environmental Health Services– Ray Britain
San Bernardino County Building and Safety – Barbara Johnston/Michael Rhoden
J.J. Services System – John Siller